

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

STEVE WAITHE,

Defendant.

MBD Case No. 21-mc-91317-DJC

**SECOND ASSENTED TO MOTION FOR CONTINUANCE OF TIME FOR FILING
AN INDICTMENT OR INFORMATION AND EXCLUSION OF TIME**

The United States of America, by and through Assistant United States Attorney Adam W. Deitch, respectfully moves this Court to grant a continuance of the time within which an Indictment or Information must be filed as to said defendant to September 14, 2021, and exclude the time period from July 16, 2021, through and including September 14, 2021, from the speedy trial clock, pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008), on the grounds that the ends of justice served by granting the requested continuance and excluding this period outweigh the best interests of the public and the defendant in a speedy trial. The government has conferred with counsel for the defendant, who assents to the requested continuance and exclusion of time. In support of this request, the government states as follows:

1. The defendant, Steve Waithe, was charged by criminal complaint with wire fraud, in violation of 18 U.S.C. § 1343, and cyberstalking, in violation of 18 U.S.C. § 2261A(2)(B) (Case No. 21-MJ-1209-DLC). On April 7, 2021, he was arrested in the Northern District of Illinois and, after an initial appearance in that district on that date, elected to reserve his right to a detention

hearing on a later date.

2. At an initial appearance upon his arrival in the District of Massachusetts before Magistrate Judge Donald L. Cabell, the defendant waived a probable cause hearing and requested a detention hearing, which took place on May 7, 2021. On May 19, 2021, the defendant was released on conditions to the custody of his parents in Maryland.

3. Counsel for the defendant has been able to communicate with the defendant to some extent, but given the current public health crisis such communications have been limited. The parties have engaged in preliminary discussions regarding the facts of the case and potential next steps, but the progression of those discussions depends largely on counsel's ability to confer more extensively with her client.

4. Additional time within which to indict will enable the government's ongoing investigation to continue and allow for defense counsel to communicate more extensively with the defendant about the charges, evidence, and the manner in which the case could come to a resolution.

5. One previous extension has been requested and granted. Counsel for the defendant assents to this motion.

Respectfully submitted,

NATHANIEL R. MENDELL
Acting United States Attorney

By: /s/ Adam W. Deitch
ADAM W. DEITCH
Assistant U.S. Attorney

Dated: July 13, 2021

The above motion is GRANTED for the reasons set forth therein, and the period from July 16, 2021 through and including September 14, 2021 is excluded from all Speedy Trial Act calculations.

Dated: July ___, 2021

HONORABLE DENISE J. CASPER
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that this document will be sent via email to the attorney of record for Steve Waithe at:

Jane Peachy, Esq.
Federal Public Defender Office
51 Sleeper Street, 5th Floor
Boston, MA 02210
Jane_Peachy@fd.org

/s/ Adam W. Deitch

Adam W. Deitch
Assistant United States Attorney

Dated: July 13, 2021